

**SANTA CRUZ COUNTY DEPARTMENT
OF COMMUNITY DEVELOPMENT
PLANNING DIVISION**

**STAFF REPORT TO THE
BOARD OF ADJUSTMENT DISTRICT # 3**

Prepared by: Mary Dahl

Conditional Use Permit

CASE No. CUP-16-3-6

APPLICANT:
Rhonda Cullum
April 21, 2016
2:00 P. M.

SUBJECT: A request for a conditional use permit for a cocktail lounge and/or bar.

LEGAL DESCRIPTION: Block 1, Plaza de Anza in Tubac, Arizona

OWNERSHIP: Plaza de Anza LLC

LOCATION: Plaza de Anza Commerical Development - 30 Avenida Goya, Tubac, Arizona – Parcel #112-44-266

PARCEL SIZE: 0.72 acres (according to County Assessor records)

ZONING: B-2 (General Business)

EXISTING LAND USE: Retail Shops, Market and Restaurants

SURROUNDING PROPERTIES:

North: B-1 (Neighborhood Bossiness)
South: B-2 (General Business)
East: B-2 (General Business)
West: Frontage Road

INFRASTRUCTURE AND PUBLIC FACILITIES SERVING THE SITE:

Water: Baca Float Water Company
Wastewater: Combined septic tanks and constructed wetlands treatment
Electric: UniSource
Gas: UniSource
Fire Protection: Tubac Fire District

ACCESS: Public vehicular access to the site is via the East Frontage Road in Tubac directly into the common parking areas for all of the commercial uses in Plaza de Anza or from the private roadways constructed as part of the Barrio de Tubac residential development directly south.

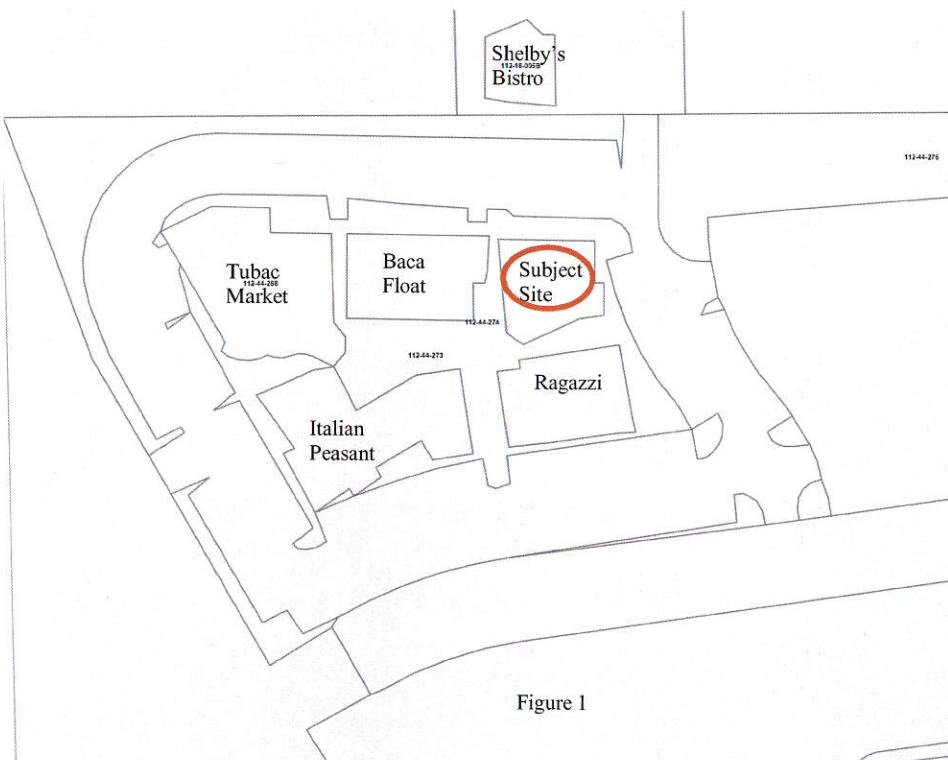
PUBLIC COMMENT: To date we have received one statement of support for this application.

BACKGROUND: The applicant, Rhonda Cullum, owns a Series 6 liquor license, which is one of three liquor licenses that are considered “quota” licenses. The State of Arizona has 21 different types of liquor licenses available. The three “quota” licenses are the Series 6 (bar), Series 7 (beer and wine bar) and Series 9 (liquor store).

These quota licenses are distributed by a lottery. This year will be the ninth license lottery since they began. Quota licenses are issued by county based on population increases. Winning the lottery, however, does not mean the license is free. The “winners” still have to pay fair market value.

Ms. Cullum won the lottery for the Series 6 license several years ago and paid about \$32,000 for it. She has been trying to find a suitable location for it since then. She originally wanted to affix it to her small retail shop in the Village of Tubac on Burreal Street, but the zoning did not allow a bar. She has negotiated for this retail space in the Plaza de Anza just south and adjacent to the Village on property that is zoned General Business (B-2). In the County Zoning and Development Code, “bars and/or cocktail lounges” are a use permitted on appeal in the B-2 zoning district requiring public notice and a hearing before the Board of Adjustment.

As mentioned, the site is commercial space in the Plaza de Anza retail area. The proposed store and other tenants of the property are indicated in Figure 1 below.



The applicant plans to operate her business more like a boutique store with tequila shots and other high-end spirits available to enhance the experience. As she states in her application materials, she will continue to operate her retail store, Cowgirl Ugly, selling boots and western apparel etc. while offering her customers the option to have a beer, cocktail or other beverage.

Alcohol is currently served under Series 12 restaurant licenses at the Italian Peasant, Shelby's and Ragazzi and beer and wine is sold at the Tubac Market. In all there are 15 liquor licenses within the Tubac zip code, only one of which (Tubac Jack's) is a Series 6.

CODE STANDARDS AND STAFF FINDINGS: The Board of Adjustment may approve, approve with conditions, or deny an application for a Conditional Use Permit based on the following standards:

1. The Board of Adjustment determines that the proposed use is consistent with the general intent and purposes of this ordinance.

Staff affirms that it is.

2. The Board of Adjustment determines that the proposed use is compatible with current and planned uses of land within the area likely to be impacted by the proposed use. If the applicant is seeking a Conditional Use Permit for a limited period, the Board of Adjustment need only consider those uses of land within the area likely to be impacted by the proposed uses that are planned to occur within the period for which the Conditional Use Permit will be effective.

Staff affirms that it is. The proposed use will not impair the integrity and character of the B-2 district in this area. Tubac's economy is dependent on commerce and entertainment and is anchored by tourism. Having a boutique retail space that serves cocktails fits nicely into the eclectic Tubac experience.

3. Based on all the facts and circumstances of the case, the Board of Adjustment, in its discretion, determines that the proposed use is appropriate in light of the benefits to be obtained by the applicant and the community at large when compared to the burdens to be borne by nearby residents, occupants, or landowners resulting from the proposed use.

This site is not adjacent to residences and is surrounded by commercial uses and activities. It is difficult to identify under what circumstances it would become a burden to anyone in the area. Although it is technically a bar/cocktail lounge that is being sought, the applicant intends to operate in a scaled down manner consistent with the ebb and flow of commercial activities in Tubac.

In considering the application, the Board of Adjustment may condition its approval on the applicant taking reasonable measures to mitigate any off-site impacts likely to result from the proposed use. Such conditions as listed in the code may include, but are not limited to the following:

1. Limiting the manner in which the use is conducted, such as restricting the time a certain activity may occur, and/or requiring the applicant to install environmental buffers to minimize noise, vibration, air pollution, glare, odor, etc.
2. Establishing special yard, open space, lot area setbacks, or other dimensional requirements.
3. Limiting the height, size, or location of a building or other structures or uses.
4. Designating the size, number, and location of parking spaces and vehicle access points.
5. Designating the size, location, screening, drainage, surfacing or other improvements for a parking lot, loading area, or other improvements.
6. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
7. Limiting the number, location, and intensity of outdoor lighting. Shielding shall be required.
8. Requiring environmental buffers such as screening, retention ponds, landscaping or similar measures to protect adjacent or nearby property, to be built to such standards, as the Board deems necessary.
9. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources, or limiting the type and extent of landscaping to preserve the existing environment.
10. Periodic review/renewal of such permit.

Staff does not recommend any of these additional mitigating conditions.

RECOMMENDATION: Staff recommends approval of this request with conditions.

ALTERNATIVES: The Board has four alternatives: 1. Approve; 2. Approve with conditions; 3. Deny and 4. Table until a date certain to obtain further information on the application.

SUGGESTED MOTIONS:

To Approve: "Mr. Chairman, I move to approve the Conditional Use Permit for a bar/cocktail lounge for Parcel number 112-44-266 – Case No. CUP-16-3-6."

To Approve with Conditions: “Mr. Chairman, I move to approve the Conditional Use Permit for a bar/cocktail lounge for Parcel number 112-44-266 – Case No. CUP-16-3-6 with the following conditions:

1. All required permits will be obtained for the tenants improvements
2. All Health Services Department requirements shall be met.”

To Deny: Mr. Chairman, I move to deny the Conditional Use Permit for a bar/cocktail lounge for Parcel number 112-44-266 – Case No. CUP-16-3-6

To Table: Mr. Chairman, I move to table action on this case until _____.

ATTACHMENTS: All application submittal materials



SANTA CRUZ COUNTY
COMMUNITY
DEVELOPMENT
PLANNING DIVISION
275 Rio Rico Drive
Rio Rico, AZ 85648

APPLICATION FOR CONDITIONAL USE PERMIT
BOARD OF ADJUSTMENT

CUP 16-3-6



DESIRING A CONDITIONAL USE PERMIT ACCORDING TO THE TERMS OF THE SANTA CRUZ COUNTY ZONING AND DEVELOPMENT CODE:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3.

I (we), the undersigned, hereby petition the Santa Cruz County Board of Adjustment, District 3 to grant a Conditional Use Permit according to the terms of the Santa Cruz County Zoning and Development Code as follows:

NOTE: Complete all of the following items. If necessary, attach additional sheets.

List the name(s) and address(es) of all owners of the parcel for which the Conditional Use Permit is sought.

PROPERTY OWNER	ADDRESS	PHONE
<u>Robert Klosek</u>		<u>520-980-5011</u>

2. Tax parcel identification number: 11244266

3. General location of parcel: 30 Avenida Goya
Tubac, AZ 85642

4. Area of Parcel (to the nearest tenth of an acre): _____

5. Zoning District Classification: B-2

6. Infrastructure and Public Facilities Serving the Site:

Water:	<u>Baca Float Water Co.</u>	Gas:	<u>unisource</u>
Wastewater:	<u>Septic ?</u>	Fire Protection:	<u>SPRINKLERS</u>
Electric:	<u>unisource</u>	School District:	<u>N/A</u>

7. Describe the existing uses of the parcel and the size and location of existing structures and buildings in use on it. Existing Comercial building Plaza de Armas

8. Describe all proposed uses and/or structures, which are to be placed on the property. Cocktail lounge / retail
tenant improvements only

9. State specifically why you are requesting a Conditional Use Permit To be able
to open a cocktail lounge & retail store
use of a series & Liquor license

NOTE: THE APPLICANT HEREBY CONSENTS TO SITE VISITS IN ORDER FOR PLANNING STAFF TO PREPARE THE CASE REPORT TO THE BOARD OF ADJUSTMENT, PLANNING COMMISSION AND/OR THE BOARD OF SUPERVISORS AND TO POST THE PROPERTY PURSUANT TO A.R.S. §§11-805, 11-813, 11-816, 11-829, OR 11-831.

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the Santa Cruz County Zoning and Development Code are true and correct.

SIGNATURE OF PETITIONER Rhonda K Cullum ADDRESS PO Box 20 Tumacacori AZ 85640 DATE 3/2/14
APPLICANTS PHONE NUMBER: 520-980-0577

FOR OFFICE USE ONLY	
DISTRICT NUMBER: _____	DATE: _____
CASE NUMBER: _____	
CASE NAME: _____	
APPLICABLE SECTION OF THE CODE: _____	

*Paul 350⁰²
ck# 131
3/2/14*

Rhonda Cullum

PO Box 209 Tubac, AZ 85640
520-980-0577
rhondajac@msn.com



3/3/2016

To whom it may concern

I am moving forward with reopening my business (Cowgirl Ugly) in Tubac Az. and my intentions are to finally be able to land a location in Tubac where I will be able to use a series 6 liquor license that I have owned since 2008 and have invested time and money. I want to be able to have my retail boutique with a cocktail lounge, so that my customers may enjoy a cold beer, cocktail or maybe a shot of tequila while they shop in a rustic relaxing atmosphere. I think this will be a great addition to the surrounding businesses and the community

Warm regards,
Rhonda Cullum



Rhonda Cullum

From: Rhonda Cullum <rhondajac@msn.com>
Sent: 2/29/2016 3:22 PM
To: Rhonda Cullum
Subject: Fwd: hows this

Sent from my iPhone

Begin forwarded message:

From: Roberto Klosek <rklosek@javidllc.com>
Date: February 29, 2016 at 1:17:39 PM MST
To: Rhonda Cullum <rhondajac@msn.com>
Subject: hows this

2/29/16

I Roberto Klosek , owner of Plaza de Anza LLC , acknowledge and approve Rhonda Cullum's plans for a bar /retail business in and on my property under Plaza de Anza LLC.

Please feel free to contact me if necessary, thank you.

Roberto Klosek

Proprietor

Plaza de Anza LLC

520-980-5011

rklosek@javidllc.com

[Property Records Inquiry](#)[Revise Search](#)[Print This Page](#)**General Information****Property Address**10 AVENIDA GOYA
TUBAC, 85646**Owner Name & Address****Primary Owner**
PLAZA DE ANZA L L C
AN ARIZONA LIMITED LIABILITY CO
415 CID COURT
RIO RICO, AZ 85648
100.00%**Legal Description****Subdivision:** **Lot:** **Block:****Section:** 7, **Township:** 21S, **Range:** 13E**Extended Legal:** SUB PLAZA DE ANZA LOT 1, 2, 3, 4, 5, AND 6**Property Information****Parcel Number:** 11244266**Account Number:** R000014941**Tax District:** 3501**Current Mill Levy:** 0**Square Feet:** 31,397.00**Total Acres:** 0.72**Primary Use Description:** 1430-COMMUN SH CTR, OPEN**Sales Information**

Reception #	Sale Price	Deed Type	SaleDate	Grantor	Grantee
20130009174	\$1,600,000	SPECIAL WARRANTY DEED	12/01/2013	LAWYERS TITLE OF ARIZONA	PLAZA DE ANZA L L C AN ARIZONA LIMITED LIABILITY CO

Value Information Approach: Cost

Abstract Code/Description	Value Type	Appraised Value	Assessed Value	Taxable Value
0112I Commercial / Real and Improvements		\$1,596,370	\$287,347	\$287,347
0112L Commercial / Real and Improvements		\$125,588	\$22,606	\$22,606
Totals:		\$1,721,958	\$309,953	\$309,953

Account Flags

Flag Type	Flag Description	Unit Count

Property Attributes & Descriptions

Attribute	Attribute Description
The Parcel has the following Exemptions:	
A2	Physically Unchanged Improvement

Building ID 1.00**Heat:** Package Unit**Total Sq. Ft:** 5117**Property Type:** Commercial**Roof Type:****Condo Sq Ft:** 0**Built As:** Retail Store**Roof Cover:****Bsmt Sq Ft:** 0**Occupancy:** Retail Store**Foundation:****Bsmt Fin. Sq Ft:** 0**Year Built:** 2005**Rooms:** 0**Baths:** 0**Year Remodel:** 0**Units:** 0**Unit Type:****Quality:** Good**Condition:** Average**Class Descr:** Masonry**Exterior:****Interior:** Drywall**Stories:** 1.00

Detail Type	Detail Description	Units
Add On	Canopy, Wood Frame Posts/Beams - QYD	1184.0000

Building ID 2.00

Heat: Package Unit
 Total Sq. Ft: 3987
 Property Type: Commercial
 Roof Type:
 Condo Sq Ft: 0
 Built As: Retail Store
 Roof Cover:
 Bsmt Sq Ft: 0

Occupancy: Retail Store
 Foundation:
 Bsmt Fin. Sq Ft: 0
 Year Built: 2005
 Rooms: 0
 Baths: 0
 Year Remodel: 0
 Units: 0

Unit Type:
 Quality: Good
 Condition: Average
 Class Descr: Wood Frame
 Exterior:
 Interior: Drywall
 Stories: 1.00



Detail Type	Detail Description	Units
Add On	Canopy, Wood Frame Posts/Beams - QYD	757.0000

Building ID 3.00

Heat: Package Unit
 Total Sq. Ft: 3375
 Property Type: Commercial
 Roof Type:
 Condo Sq Ft: 0
 Built As: Retail Store
 Roof Cover:
 Bsmt Sq Ft: 0

Occupancy: Retail Store
 Foundation:
 Bsmt Fin. Sq Ft: 0
 Year Built: 2005
 Rooms: 0
 Baths: 0
 Year Remodel: 0
 Units: 0

Unit Type:
 Quality: Good
 Condition: Average
 Class Descr: Masonry
 Exterior:
 Interior: Drywall
 Stories: 1.20



Detail Type	Detail Description	Units
Add On	Canopy, Wood Frame Posts/Beams - QYD	384.0000

Building ID 4.00

Heat: Package Unit
 Total Sq. Ft: 3435
 Property Type: Commercial
 Roof Type:
 Condo Sq Ft: 0
 Built As: Restaurant
 Roof Cover:
 Bsmt Sq Ft: 0

Occupancy: Restaurant
 Foundation:
 Bsmt Fin. Sq Ft: 0
 Year Built: 2005
 Rooms: 0
 Baths: 0
 Year Remodel: 0
 Units: 0

Unit Type:
 Quality: Good
 Condition: Average
 Class Descr: Wood Frame
 Exterior:
 Interior: Drywall
 Stories: 1.00



Detail Type	Detail Description	Units
Add On	Canopy, Wood Frame Posts/Beams - QYD	1092.0000

Building ID 5.00

Heat: Package Unit
 Total Sq. Ft: 5477
 Property Type: Commercial
 Roof Type:
 Condo Sq Ft: 0
 Built As: Retail Store
 Roof Cover:
 Bsmt Sq Ft: 0

Occupancy: Retail Store
 Foundation:
 Bsmt Fin. Sq Ft: 0
 Year Built: 2005
 Rooms: 0
 Baths: 0
 Year Remodel: 0
 Units: 0

Unit Type:
 Quality: Good
 Condition: Average
 Class Descr: Wood Frame
 Exterior:
 Interior:
 Stories: 1.00



Building ID 6.00

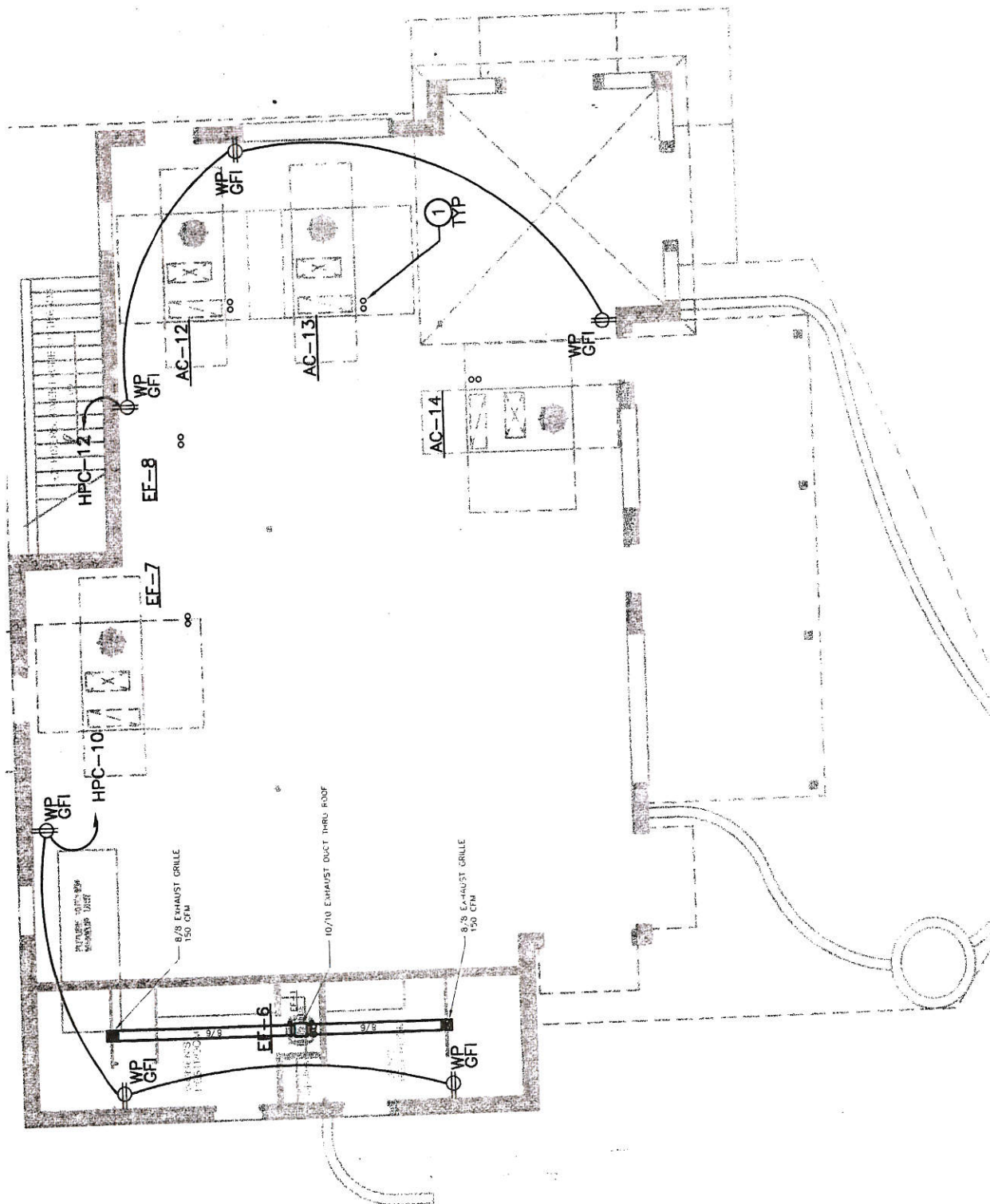
Heat: Package Unit
Total Sq. Ft: 1419
Property Type: Commercial
Roof Type: Flat
Condo Sq Ft: 0
Built As: Restaurant
Roof Cover:
Bsmt Sq Ft: 0

Occupancy: Restaurant
Foundation:
Bsmt Fin. Sq Ft: 0
Year Built: 2005
Rooms: 4
Baths: 0
Year Remodel: 0
Units: 1

Unit Type:
Quality: Good
Condition: Average
Class Descr: Wood Frame
Exterior:
Interior:
Stories: 1.00



[<< Return to Results](#)



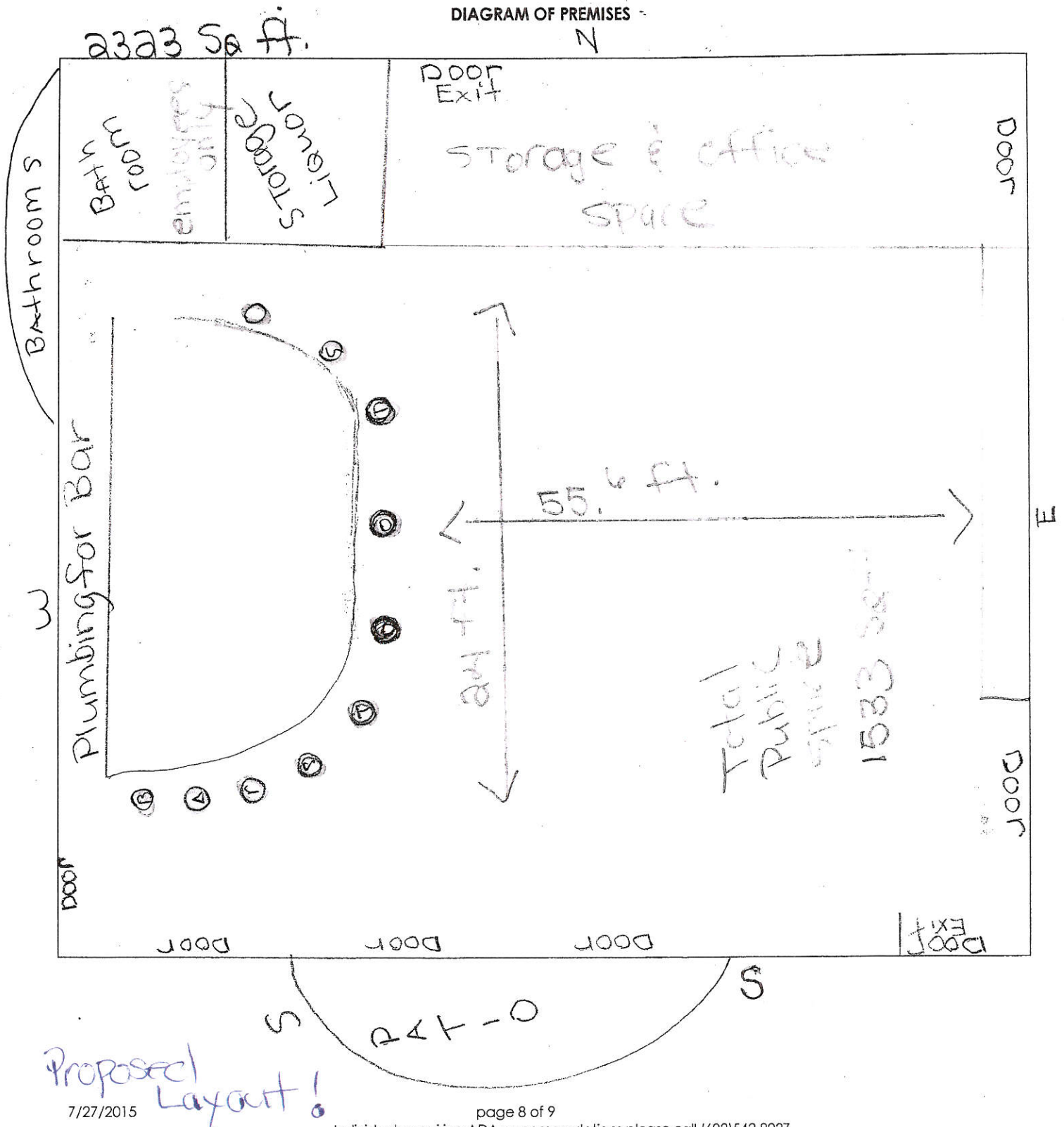
Exiting Building

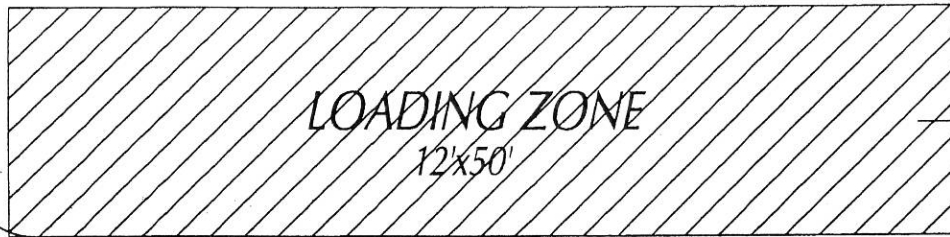


SECTION 16 Diagram of Premises – continued

6. On the diagram please show only the areas where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, hi-top tables, dining tables, dining chairs, dance floor, stage, game room, and the kitchen. DO NOT include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of the premises is attached to this application, please write the words "DIAGRAM ATTACHED" in the box provided for the diagram on the application.





LOADING ZONE

12'x50'

1:12 MAX.

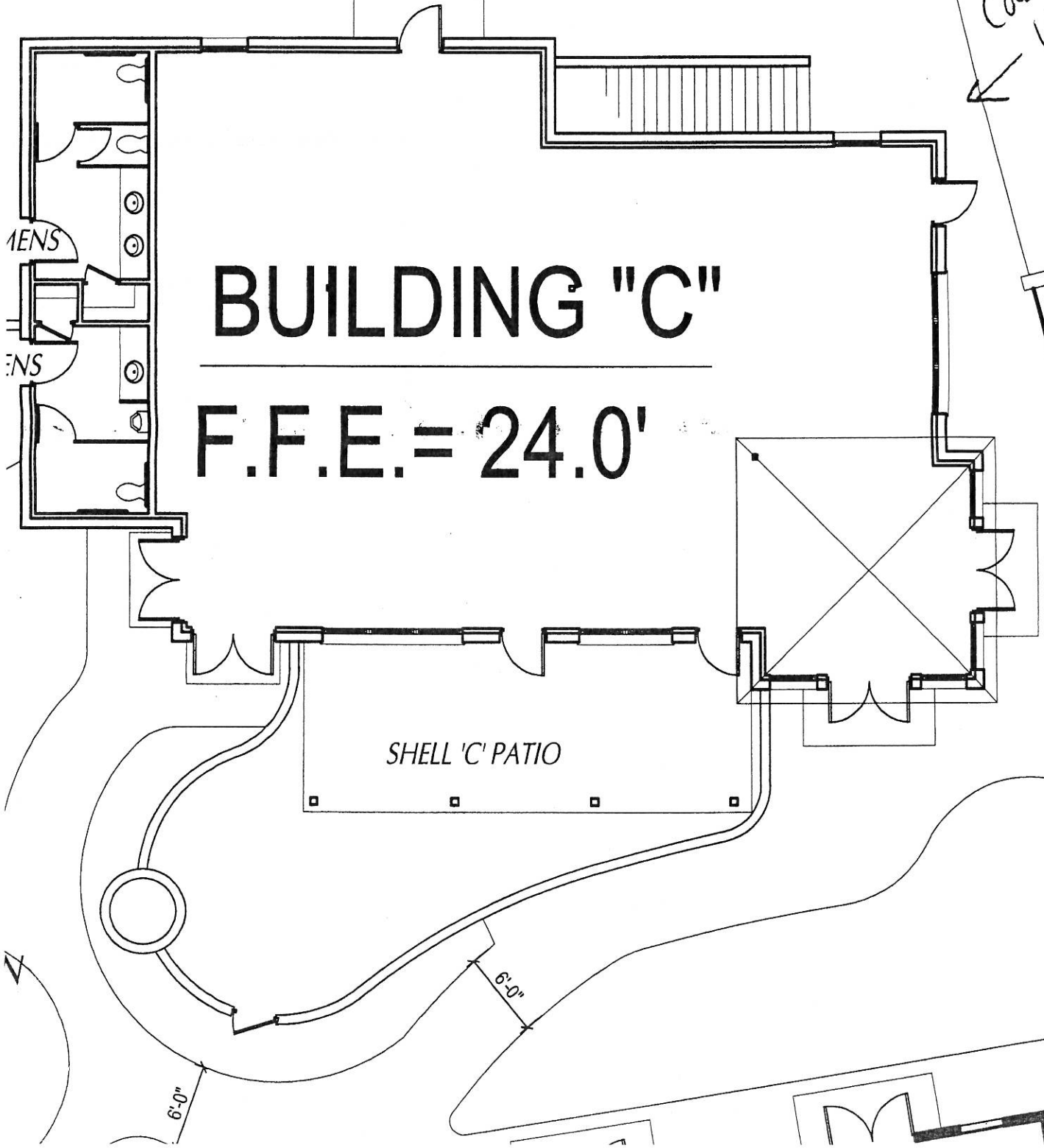
RAMP UP

*Count
Up 4y*

BUILDING "C"

F.F.E. = 24.0'

SHELL 'C' PATIO





N bqlublá 3127!Hpphrf 31!gr

Hpphrf!N bqt !

